

## DETAILED ACTION

### ***Specification***

1. The disclosure is objected to because of the following minor informalities:

The title of the invention is not descriptive. No computer programs have been presented (though their presence may have been implied), or thoroughly discussed. As such "Computer Program" is not the main subject.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: element 14, figure 1.

*(note: drawing objections must be corrected in the next response by applicant, it cannot be deferred, i.e., held in abeyance, or the application will be held ABANDONED)*

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either

"Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- The term "substantially real time" is vague and is not clearly defined and/or disclosed within the disclosure to provide proper meaning. In real world, there is always delay as far as broadcasting is concerned, though this delay may be constrained within a tolerance factor. However, "real time" is still used if the delay fall within such tolerance factor.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 17 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. "Computer program product" as claimed is neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer program product do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. Furthermore, a computer program and not computer program "product" as claimed that is defined as "functional descriptive material" i.e., data structures or computer listing. See MPEP 2106.01 (I). Even if a computer program product is construed as functional descriptive material, by itself without being embodied in a computer readable medium is non-statutory. Again, see MPEP 2106.01 (I).

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in–

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the

purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English.

Claims 1-20 are rejected under 35 U.S.C. 102(a) or (e) as being anticipated by Galyean III T.A. et al., US Patent 6,447,396 (hereinafter Galyean).

As per claim 1, Galyean discloses as claimed:

A method for multimedia interaction between a broadcaster ( Figure 1, elements 124,126) and a viewing audience (Figure 1, elements 102, 106, 112) comprising the steps of: establishing a digital communication link between a plurality of viewers and said broadcaster ( Figure 1, elements 118, 120); selecting at least one participant from said plurality of viewers to appear on a broadcast (column 4, lines 19-27); transmitting digital information having both image content and audio content between said participant and said broadcaster; and incorporating at least a portion of said digital information in said broadcast (Figure 2, elements 204,212, 220, 210, Column 4 lines 37-55).

As per claim 2, Galyean teaches further: wherein said transmitting step comprises transmitting said digital information over a publicly accessible computer network (Figure 1, element 118).

As per claim 3, Galyean teaches further: wherein said establishing step comprises establishing a digital communication link through a limited-access

virtual private computer network (Figure 1, element 118).

As per claim 4, Galyean teaches: further comprising the step of recording at least a portion of said digital information for broadcast at a later point in time (column 3 lines 65-67, column 4 lines 1-3).

As per claim 5, Galyean teaches: further comprising the step of broadcasting said at least a portion of said digital information in substantially real time ( column 4 lines 1-3)

As per claim 6, Galyean teaches: comprising the step of performing an analysis of said digital communication link between a plurality of viewers and said broadcaster prior to said selecting step (Figure 1, element 120, Column 4 lines 26-27).

As per claim 7, Galyean teaches further: wherein said selecting step comprises the step of selecting optimum viewers based upon a result of said analysis of said digital communication link between a plurality of viewers and said broadcaster (Figure 1, element 120, Column 4 lines 26-27).

As per claim 8, Galyean teaches further: wherein said selecting step further comprises the step of selecting optimum viewers based on compatibility with

hardware maintained by said broadcaster (Figure 1, element 120, Column 4 lines 26-27).

As per claim 9, Galyean teaches further: wherein said selecting step comprises randomly selecting said at least one participant (Figure 1, element 120, and Column 4 lines 26-27).

As per claim 10, Galyean teaches further: wherein said selecting step comprises the steps of creating a potential participant group based upon specific selection criteria and selecting said at least one participant from said potential participant group (Figure 1, element 120, and Column 4 lines 26-27).

As per claim 11, Galyean teaches the limitations of claim 10 further comprising the step of tracking viewer ship of each broadcast by each of said plurality of viewers, and wherein said step of creating a potential participant group comprises the step of creating a potential participant group based upon viewer ship of prior broadcasts by each of said plurality of viewers (Figure 1, element 120, and Column 4 lines 26-27).

As per claim 12, Galyean teaches the limitations of claim 10 further comprising the step of tracking patronization of sponsors of each broadcast by each of said plurality of viewers, and wherein said step of creating a potential participant

group comprises the step of creating a potential participant group based upon prior patronization of said sponsors (Figure 1, element 120, and Column 4 lines 26-27).

As per claim 13, Galyean teaches the limitations of claim 10 further comprising the steps of asking each of said plurality of viewers questions about prior broadcasts and compiling answers to said questions, and wherein said step of creating a potential participant group comprises the step of creating a potential participant group based upon a result of said compiling step (Figure 1, element 120, and Column 4 lines 26-27).

As per claim 14, Galyean teaches the limitations of claim 13 wherein said step of asking each of said plurality of viewers questions about prior broadcasts comprises the step of displaying said questions on an Internet website and wherein said compiling step comprises the step of receiving answer data transmitted from said Internet website (Figure 1, element 120, and Column 4 lines 26-27).

As per claim 15, Galyean teaches further the limitations of claim 1 wherein said incorporating step comprises the steps of displaying said digital information on said broadcast and modifying said broadcast based upon said at least a portion of said digital information. (Rejected by the same analysis as claim 1, further

refer to column 2 lines 61-67, and column 3 lines 1-5)

As per claim 16, the method of claim 1 wherein said broadcast is one of a news broadcast and a game broadcast, the examiner takes official notice that the "broadcast" has a "broad" connotation. Broadcasting covers a variety of "content", which includes "news", "gaming", etc. As such claim is rejected by the same analysis as claim 1.

Claim 17 is further rejected by the same analysis as claim 1. (Also Galyean's Column 11 claim 35)

As per claim 18, Galyean teaches: A method for increasing a number of subscribers to a computer network Figure 1, element 120; Figure 4, elements 408, and 412), said method comprising the steps of: obtaining an exclusive right to provide participants to a broadcast of a program (Figure 1 elements 120, 122); informing a plurality of potential participants of an ability to participate in said broadcast of said program by subscribing to said computer network (Figure 1, elements 102 though 116); establishing a digital communication link through said computer network between a plurality of subscribers and said broadcaster (Figure 1, elements 118, 120, 122, 124, 126); selecting at least one participant from said plurality of subscribers to participate on said broadcast of said program; transmitting digital information having both image content and audio



content between a chosen participant and said broadcaster; and incorporating at least a portion of said digital information into said broadcast. (Figure 1, column 2, paragraph 5)

Claim 19, "wherein said computer network is a casino computer network, wherein said program is a interactive gambling program broadcast on a closed circuit television network in a casino" is further rejected as per Galyean, figure 1, element 118, column 5 lines 5-11). The examiner takes official notice that gambling is a form of gaming and as such it is within the teachings of Galyean.

Claim 20, "wherein said potential participants are gamblers and wherein said network is adapted to allow both participants and non-participants to gamble remotely there through" " is further rejected by the same analysis as claim 19.

### ***Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Marandi whose telephone number is (571) 270-1843. The examiner can normally be reached on 8:00 AM- 5:00 PM M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 4157

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James R. Marandi/  
Patent Examiner

/Vu Le/  
Supervisory Patent Examiner, Art Unit 4157  
Patent Training Academy